THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24603 of 2006

Dated:30.04.2007

Between:

Javvadi Srinivasa Rao.

…Petitioner

and

Veeravasaram Gram Panchayat and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24603 of 2006

ORDER:

The petitioner is a resident of Veeravasaram Village and Panchayat in West Godavari District. Aggrieved by the notice, dated 14.11.2006, issued by the second respondent, he filed the present Writ Petition seeking its invalidation.

The petitioner is running a Chicken Shop adjacent to P.P.Road, at Veeravasaram. The area is allegedly not a residential locality. He also alleges that he took out the place on lease from Bajanki China Appa Rao on a monthly rent of Rs.500/- and running the shop without causing any discomfort or disturbance to the people. However, the impugned order was issued by the second respondent directing the petitioner to remove the Poultry Farm within twenty four hours.

Learned Counsel for the petitioner submits that when the enquiry was conducted by the second respondent, as alleged, the petitioner was not given opportunity to place his version of the matter. He also submits that the impugned notice/order was issued without giving an opportunity to the petitioner, and therefore, it is unsustainable.

Learned Standing Counsel for the Gram Panchayat placed reliance on the decision of this Court in **Vemula Ravinder v. The Panchayat Secretary** (W.P.No.16298 of 2005, dated 28.10.2005) and submits that the petitioner has not obtained any licence as required under Section 118 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), and Rules made thereunder, and therefore, he has no right to seek the relief from this Court.

Section 118 of the Act deals with prohibition or regularization of

the use of places for slaughtering animals and licensing of slaughters. In exercise of powers conferred under Section 118 of the Act, the Government promulgated the Andhra Pradesh Panchayat Raj (Prohibition or Regularisation of the use of places for slaughtering Animals and the Licensing of Slaughters) Rules, 2000. Rule 3 thereof mandates that no person shall slaughter or permit to be slaughtered within the Village any cattle, horse, sheep, goat or pig for the purposes of sale to the public without obtaining licence from the Executive Authority. Admittedly, the petitioner is not having any such licence. Therefore, this Court is not inclined to accept the submission that the impugned notice/order is bad for want of notice to the petitioner. When the petitioner himself did not obtain licence as required under law, the impugned order cannot be set aside on that ground. In case the impugned order is set aside only on the ground that the petitioner was not heard, it amounts to validating the illegal action of petitioner in carrying out Poultry Farm/Chicken shop. Therefore, the petitioner's remedy is to approach the Gram Panchayat and obtain licence under Section 118 of the Act read with the Rules referred to hereinabove. As and when the petitioner makes an application for grant of licence, the Gram Panchayat shall consider and pass appropriate orders.

The Writ Petition, subject to the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

30.04.2007
vs